



**CHELAN COUNTY**  
**DEPARTMENT OF COMMUNITY DEVELOPMENT**

2024 Text Amendments to 11.88.290  
 Staff Report

**TO:** Chelan County Planning Commission  
**FROM:** Chelan County Community Development  
**HEARING DATE:** November 13, 2024  
**FILE NUMBER:** PL 24-328 (Zoning Text Amendment)  
 CCC 11.88.290 Short Term Rentals

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**REQUESTED ACTION**

The Planning Commission is being asked to review, consider, and make a recommendation to the Board of Chelan County Commissioners to approve, approve in part, or deny adoption of the proposed Zoning Code amendments relating to Short-term rentals, 11.88.290. Suggested Findings of Fact and Conclusions of Law, which may be modified, are included in this staff report.

**GENERAL INFORMATION**

Board of County Commissioners Amendment Workshop:	December 11, 2023
Planning Commission Notice of Hearing Published:	August 17, 2024
Planning Commission Hearing:	August 28, 2024
Planning Commission Workshop:	September 12, 2024
Board of County Commissioners Workshop:	September 24, 2024
Planning Commission Workshop:	September 25, 2024
Planning Commission Workshop:	October 16, 2024
Applicant	Chelan County
Planning Commission Notice of Hearing Published:	November 2, 2024
Planning Commission Hearing:	November 13, 2024
60-day State Agency Review	Initiated: August 12, 2024
SEPA Determination	August 12, 2024
Previous Workflow	
Board of County Commissioners Workshop:	March 31, 2020

Planning Commission Workshops:	April 22, May 13, May 27, June 3, 2020
Planning Commission Notice of Hearing Published:	June 6, 2020
Planning Commission Hearing:	June 27, 2020
Planning Commission Deliberations:	July 24, July 9, 2020
Board of County Commissioners Study Sessions:	July 21, August 4, 2020
Board of County Commissioners--REMAND to Planning Commission:	August 24, 2020
Planning Commission Notice of Hearing Published:	August 27, 2020
Planning Commission Hearing:	September 9, 2020
Planning Commission Deliberations:	September 23, and October 15, 2020 (Special notice October 3, 2020)
60-day State agency review:	May 14, 2020 and updated November 24, 2020 and July 27, 2021
Board of County Commissioners Study Sessions:	October 28, November 3, November 10, November, 16, November 24, December 1, December 8, 2020
Board of County Commissioners Notice of Hearing Published:	December 8, 2020
Board of County Commissioners Hearings:	December 22, 2020
Board of County Commissioners Deliberations:	December 29, 2020, Hearing continued for at least 90 days while a Task Force was created.
Taskforce created, recommendation to Board of County Commissioners presented:	May 11, 2021
Board of County Commissioners Study Sessions:	June 1, June 7, June 14, June 15, June 22, 2021
Board of County Commissioners Notice of Hearing Published:	June 15, 2021
Board of County Commissioners Hearing:	June 29, 2021
Board of County Commissioners Deliberations:	July 13, July 27, 2021
<b>Short term rental code adopted</b>	<b>July 27, 2021</b>

**PROJECT DESCRIPTION**

The Board of County Commissioners has requested review of the existing Short-Term Rental code section (11.88.290) of the Chelan County Code, and has identified several areas for potential development regulation text amendments for short-term rentals, to make modifications and provide regulatory support and clarification.

The proposals were analyzed based on information provided and within existing County resources. Applications for zoning code text amendments must be weighed by their individual and collective impacts. Additionally, agency and public comment play a role in understanding potential impacts to surrounding land uses, impacts to rural character, and how the amendment may serve the general public's interest. Proposed changes provided in Attachment 1.

**SEPA ENVIRONMENTAL REVIEW**A Determination of Non-Significance was issued under WAC 197-11-340 for PL 24-328 on August 12, 2024 (Attachment 2). The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c). The decision was made after a review of a completed environmental checklist and other information on file with the lead agency.

60-Day Notice: Sent to Department of Commerce August 12, 2024. Letter of acknowledgement (Attachment 3).

Agency Comments: None received to date.

Public Comment: See Attachment 4.

## **REVIEW CRITERIA**

The approval, modification or denial of a development regulation amendment application shall be evaluated on, but not limited to, the following criteria pursuant to Chelan County Code Title 14, Development Permit Procedures and Administration:

CCC 14.13.040, The approval, modification or denial of a development regulation amendment application shall be evaluated on, but not limited to, the following criteria:

- (1) The amendment is necessary to resolve a public land use issue or problem.  
The Chelan County Commissioners committed to not opening the code to proposed amendments until the code section had been implemented for one full year and renewal cycle. The code has now been in effect for 2 years. The BoCC considered code enforcement data, public comment and staff conversations, and are seeking practical improvements to the STR code to ensure it is working well for everyone.
- (2) The amendment is consistent with goals of the Growth Management Act, Chapter 36.70A RCW.
- (3) The amendment complies with or supports comprehensive plan goals and policies and/or county-wide planning policies.
- (4) The proposed amendment does not adversely affect lands designated as resource lands of long-term commercial significance or critical areas in ways that cannot be mitigated.
- (5) The amendment is based on sound land use planning practices and would further the general public health, safety and welfare.

Transmittal of the proposed regulation amendments to the Department of Commerce was initiated August 12, 2024. Department of Commerce shall be sent the proposed changes at least sixty calendar days prior to anticipated effective date of any adopted land use regulation. Once (any) amendments are adopted by the Board of Chelan County Commissioners, Department of Commerce shall be notified within ten calendar days of adoption.

**Staff Analysis:**

**The 14 goals of the Growth Management Act are:**

- (1) Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.
- (2) Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.
- (3) Transportation. Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.
- (4) Housing. Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.
- (5) Economic development. Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.
- (6) Property rights. Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.
- (7) Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.
- (8) Natural resource industries. Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses.
- (9) Open space and recreation. Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.
- (10) Environment. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.

(11) Citizen participation and coordination. Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.

(12) Public facilities and services. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.

(13) Historic preservation. Identify and encourage the preservation of lands, sites, and structures that have historical or archaeological significance.

(14) Shoreline Management, to manage shorelines wisely.

The proposed amendments provide support implementation of Growth Management Act goals (4) Housing, (5) Economic development, (6) Property rights, (7) Permits, and (11) Citizen Participation and coordination. The short-term rental code balances Growth Management Act goals and requirements to locate growth in urban and rural areas in a manner that encourages the preservation of existing housing stock, encourages the availability of affordable housing, allows for economic development consistent with the Comprehensive Plan, protects rural character, ensures appropriate public services, protects environmental quality, and provides for fair/timely permits. Zones that limit short-term rentals continue to provide a range of reasonable uses consistent with the district intents such as long-term residential uses, compatible home occupations, and others. (See RCW 36.70A.020 and 070)

## **COMPREHENSIVE PLAN**

Chelan County conducts an annual concurrent review of proposals to amend the Comprehensive Plan. The Plan represents the long-term vision for future land uses and development. Applicants must demonstrate the merits of the requested change as being consistent with adopted goals and policies.

The following Comprehensive Plan goals and policies are relevant to the request:

Goal LU 1: Residential designations shall provide for an adequate supply of land to accommodate the housing needs and strategies outlined by the comprehensive plan. Implementation regulations shall provide for a variety of residential opportunities to serve a full range of income levels.

Policy LU 1.2: Protect residential neighborhoods from impacts associated with incompatible land uses through application of development standards and permit conditioning.

Goal RE 2: Maintain natural environment features that support and enhance natural resource-based economic activities, wildlife habitats, traditional rural lifestyles, outdoor recreation, and open space.

Policy RE 2.2: Rural development should not preclude use of rural lands for agriculture and timber production and should avoid or mitigate impacts on existing agriculture or timber operations.

Policy RE 2.3: Ensure that rural development (residential, commercial and industrial) near designated resource lands occurs in a manner that minimizes potential conflicts and reduces conversion of farm and forest land to non-resource uses. Develop mitigating measures to provide adequate protection against potential conflicts

Goal ED 1: Encourage efforts to diversify the existing economic base to focus on long-term sustainable economic development throughout the County

Policy ED 1.1: Seek to attract businesses and industries that complement and build upon existing business and industry.

Policy ED 1.2: Incentivize development that creates local re-investment funds and provides jobs in the local community.

Goal ED 2: Encourage the retention and growth of recreational and tourist based industries consistent with the comprehensive plan.

Policy ED 2.1: Promote local tourism activities by developing brochures and media advertisements, and supporting local and self-contained events

Goal ED 4: Local economic development efforts should promote the advantages of working and living in Chelan County, such as availability of work, job security and stability, access to recreational and cultural activities, educational opportunities, quality health care, and affordable housing.

Policy ED 4.2: Encourage economic development efforts that invite broad community participation and address the needs, concerns, rights and resources of a diversity of cultural groups.

Goal ED 6: Establish a regulatory climate favorable for economic development.

Policy ED 6.2: Support development of tourism and recreational uses on both public and private lands.

#### **FINDINGS OF FACT**

1. Chelan County adopted Title 14, Development Permit Procedures and Administration outlining provisions relating to the amendment of Development Regulation Text Amendments of Title 11 consistent with RCW 36.70A. The County followed the procedures required for amendment of the Development Regulations Text Amendments.
2. RCW 36.70A.210 requires that the Comprehensive Plan be consistent with the provisions of the adopted County-Wide Planning Policies.
3. The requirements of RCW 43.21C, the State Environmental Policy Act, and WAC 197-11, SEPA Rules, have been satisfied. To comply with the requirements of the State Environmental Policy Act for environmental review of a non-project action, the County, as lead agency issued a Determination of Non-significance on August 12, 2024.
4. The required State agency review with the Department of Commerce (COM) and other State agencies initiated on August 12, 2024, pursuant to RCW 36.70A.106.
5. A request for amendment to Chelan County Code was made by Chelan County, to provide policy and regulatory support to amend the language of the short-term rental code, 11.88.290.

## **CONCLUSIONS OF LAW**

1. The amendments to the Chelan County Comprehensive Plan are consistent with the requirements of the Growth Management Act (RCW 36.70A), Chelan County Comprehensive Plan and County-Wide Planning Policies.
2. The amendments are necessary to address a public land use issue or problem.
3. The amendments do not adversely affect designated resource lands of long-term commercial significance or designated critical areas in ways that cannot be mitigated.
4. Reviewing agencies and the general public are being given an opportunity to comment on the proposed amendments.
5. The amendments are consistent with Chelan County Code Title 14 Development Permit Procedures and Administration.
6. The requirements of RCW 43.21C, the State Environmental Policy Act and WAC 197-11 SEPA Rules have been satisfied.
7. The adoption of these amendments is in the best interest of the public and furthers the health, safety, and welfare of the citizens of Chelan County.

## **ATTACHMENTS**

1. 11.88.290 STR Code Change Proposals
2. SEPA Determination of Non-Significance, dated August 12, 2024
3. 60-day Review Acknowledgment Letter from WA Dept. of Commerce, dated August 12, 2024
4. Public Comments